

**Board of Selectmen's Meeting Minutes**  
**November 29, 2007**  
**Harpswell Town Office**  
Approved on December 13, 2007

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**Selectmen Present:** Amy N. Haible, James S. Henderson and Chairman Samuel W. Alexander

**5:30 PM** The Selectmen held an executive session pursuant to 1 M.R.S.A Section 405(6)(A) to discuss a personnel hire.

**Staff Present:** Terri Sawyer, Deputy Town Administrator; William Wells, Code Enforcement Officer; and Marguerite Kelly, Town Treasurer

**Call to Order and Pledge of Allegiance:** The meeting was called to order by Chairman Alexander at 6:30 p.m. with the Pledge of Allegiance. The meeting was videotaped and broadcast live on Harpswell Community Television.

**1. Adoption of the Agenda:** Chairman Alexander moved, seconded by Selectman Haible to amend the agenda and add as 13a. Acceptance of Gift Cards; motion passed 3-0. Chairman Alexander moved, seconded by Selectman Henderson to adopt the agenda as amended; motion passed 3-0.

**2. Town Administrator's Report:** Administrator Eiane reviewed Carol Tukey's work experience and recommended the Board hire her as the Town's Planner. Chairman Alexander moved, seconded by Selectman Haible to hire Carol Tukey as Town Planner; motion passed 3-0. Administrator Eiane stated that the Bookkeeper position has been advertised and that she is hopeful a replacement will be hired soon. In the meantime, Administrator Eiane explained that Terri Sawyer has been performing the bookkeeping duties until the Town finds a replacement, which she is hopeful will be by the first of the new year. Administrator Eiane recommended the Board authorize compensating Terri Sawyer, Deputy Town Administrator, an additional \$50/week until the new bookkeeper begins. The Board agreed with Administrator Eiane's recommendation. Administrator Eiane informed the Board of an anonymous act of kindness; an anonymous donor paid the 2007 and 2008 taxes for a family in need. Administrator Eiane reported she met with members of DOT on Tuesday regarding the grant application for a condition report on the pier at Mitchell Field. Administrator Eiane explained the representatives were surprised at the size of the Town's asset and stated that although their program funded smaller projects, they would try to obtain funding for the Harpswell project. Administrator Eiane reported that Jennifer Duddy, of Senator Collins office, wanted to meet with her in response to the Town's letter sent to representatives asking for the removal of the pipeline. The Board noted a letter from Senator Collin's Office that stated the removal is scheduled in the 2008 budget.

**3. Selectmen's Announcements:** Chairman Alexander announced the Board will hold a meeting on December 3 at 5:00 pm regarding Mitchell Field and then at 6:30 a meeting with the Emergency Services Consultant. Selectman Henderson reported that he and Administrator Eiane met with representatives of Harpswell Community Broadcast Corporation yesterday. Selectman Henderson noted that due to volunteer shortage, the Town may want to consider budgeting for the taping of the Selectmen's meetings.

**4. Consider Contract Extension with FB Environmental:** Administrator Eiane explained the contract has already been extended through November and this request would extend it through the end of December. Administrator Eiane stated that Tracey Thibault, the interim Town Planner, has been working with the Conservation Commission on the Open Space Plan with the consultant, FB Environmental; and that a detailed timeline is included in the extension, which includes presenting the final plan in January. Selectman Haible moved, seconded by Chairman Alexander to adopt the timeframe and amendment #2 as written to the professional agreement between FB Environmental and the Town; motion passed 3-0.

**5. Discussion Regarding Enforcement Matter/Shoreland Zoning Violation Map 53, Lot 83:** Nick Morrell, attorney for Sharon Bowden, reviewed the items he submitted to the Board; a proposed consent agreement and history of the property and situation. The Board noted they had read the package of information. Selectman Henderson asked Mr. Morrell to explain what the consequences to the homeowner would be without a consent agreement and with a Board of Appeals denial for a variance. Mr. Morrell responded that the house is under contract for sale and the sale would not finalize without a consent agreement. Tracey Thibault, Code Enforcement Officer, stated if unsuccessful with the Board, the Code Enforcement Office would send a notice of violation requiring the violation be remedied and if not, the Town could take the owner to court to pursue the removal of the violation (expansion of a non-conforming structure by more than the allowed 30% and an expansion into the setback towards the property line). Mr. Morrell stated that he believes the Town has known about this violation for quite some time; Ms. Thibault responded the violation just came to light because of the pending sale. There was a discussion regarding a building and plumbing permit that were applied for in 1998 that were neither denied nor approved by the Town; Ms. Thibault cannot find a decision or supporting information in the file. Ms. Bowden explained that most of this work was done by several different people and that she was informed by the previous owner that the 8' wide porch area could be rebuilt without any regulation. Ms. Bowden stated she did not know a permit was required and that she was misled and sorry for the current situation. There was a discussion regarding the violations; rebuilding of the porch footprint (it's probable that more than a year had passed), addition of a deck and expansion of a shed and that major appurtenances were located in the now living "porch" space. Selectman Haible noted that this is a difficult case and that there have been others and the Board must be careful to not allow property owners to essentially 'buy variances'. There was a discussion regarding the previously applied for (and not processed) plumbing permit and the 1-year time limit on rebuilding non-conforming structures. The Board discussed that the uniqueness of this case is that if the addition had been rebuilt within one year of removal, it is probable a permit would have been issued. Selectman Henderson moved, seconded by Selectman Haible to consider (but not commit) developing a consent agreement and include the Town attorney and Code Office in the process; motion passed 3-0.

**6. Open Bids for Replacement of Failed Septic System:** Chairman Alexander opened the bids for Project 3 as follows: John L. Davis \$12,782 plus \$1,500 for an additional pump station; J.R. Hill \$17,337.50; Ed Skillin \$9,220 plus \$1,000 for an additional pump station; and Tupper Construction \$11,981 plus \$1,050 for an additional pump station. Chairman Alexander moved, seconded by Selectman Haible to approve the Ed Skillin bid; motion passed 3-0.

**7. Committee Mission Statement:** Selectman Haible reviewed the proposed changes to the proposed Town Lands Committee Mission Statement and Administrator Eiane noted name changes to the Town properties referenced. Chairman Alexander moved, seconded by Selectman Henderson to approve the revised mission statement; motion passed 3-0.

**8. Request for Use of Mitchell Field:** Administrator Eiane explained the request is from the current Mitchell Field Committee to hold a winter solstice event and have a 'campfire' which requires insurance approval. Chairman Alexander moved, seconded by Selectman Henderson to approve this application and require the Committee to coordinate fire approval with the Fire Department; motion passed 3-0.

**9. Set Annual Town Meeting Date – March 8, 2008:** Chairman Alexander moved, seconded by Selectman Henderson to set March 8, 2008 as the Annual Town Meeting date, holding with tradition of the second Saturday in March; motion passed 3-0.

**10. Disposition of Excess Vehicle:** Administrator Eiane noted there is an excess vehicle ready for sale since the Sheriff Department has returned another vehicle. This vehicle would be sold in as is condition. Selectman

Haible moved, seconded by Chairman Alexander to sell the vehicle and place it in a conspicuous location in the front parking lot of the Town office; motion passed 3-0.

**11. Disposition of ACO Equipment:** Administrator Eiane explained the Town purchased a large animal cage that is too large for the Animal Control Officer and would therefore like approval to donate it to an entity that has a use for it. Chairman Alexander moved, seconded by Selectman Haible to allow the Town Administrator to dispose of this item appropriately; motion passed 3-0.

**12. Acceptance of Right-of-Way Discovery Grant in the Amount of \$2,500 and Authorize the Board to Sign Contract:** Selectman Haible moved, seconded by Chairman Alexander to accept the \$2,500 Right-of-Way Discover Grant and sign the contract; motion passed 3-0.

**13. Acceptance of Bowdoin College Unrestricted Gift of \$8,000:** Chairman Alexander moved, seconded by Selectman Henderson to accept it with thanks; motion passed 3-0. Selectman Henderson noted that in the future maybe the donation could be tied to a project connected to Bowdoin College.

**13a. Acceptance of Gift Cards:** Chairman Alexander moved, seconded by Selectman Haible to accept \$200 in gift cards from the Kellogg Church to be distributed to those in need through the Town's general assistance program; motion passed 3-0.

**14. Discussion Regarding Town Office Houses on December 24:** Administrator Eiane explained providing ½ a day holiday to Town staff is up to the Board of Selectmen for both Christmas Eve and New Year's Eve. Chairman Alexander moved, seconded by Selectman Haible to approve closing the Town Office at noon on December 24 and December 31; motion passed 3-0.

**15. Authorization of the Warrant:** Administrator Eiane recommended approval of warrants 61 and 62 and payroll warrant 53. Chairman Alexander moved, seconded by Selectman Henderson to approve warrant 61 in an amount not to exceed \$40,000.00; motion passed 3-0. Chairman Alexander moved, seconded by Selectman Haible to approve warrant 62 in the amount of \$85,249.58.00; motion passed 3-0. Selectman Haible moved, seconded by Selectman Henderson to approve payroll warrant 53 in the amount of \$12,951.47; motion passed 3-0.

**16. Approval of the Minutes:** Chairman Alexander moved, seconded by Selectman Henderson to approve the minutes of November 15; motion passed 3-0.

**17. Public Comment:** Victor Skorapa, Jr. commented on a petition he and Hannah Trowbridge collected signatures for asking the Board to call on our congressional representatives to call for peace in Iran.

**18. Adjournment:** The meeting was adjourned by unanimous vote at 7:47 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer